

ORIGINAL



0000103510

RECEIVED

2003 MAR 10 A 10:01

ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

David B. Stocker, Esq. (#015316)
Suite 234 Valley Commerce Center
4745 North Seventh Street
Phoenix, Arizona 85014
Telephone (602) 235-9080

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL, Chairman
JIM IRVIN
MARC SPITZER
JEFF HATCH-MILLER
MIKE GLEASON

DOCKET NO. S-03491A-02-0000

Arizona Corporation Commission

DOCKETED

MAR 10 2003

DOCKETED BY

1
2 In the Matter of:

3 AMERICAN NATIONAL
4 MORTGAGE PARTNERS, L.L.C.
15021 N. 74th Street, Ste. 100
Scottsdale, AZ 85260

5 SECURA INNOVATIVE
6 INVESTMENT, INC.
15021 N. 74th Street, Ste. 100
7 Scottsdale, AZ 85260

8 SECURA MORTGAGE
9 MANAGEMENT, L.L.C.
15021 N. 74th Street, Ste. 100
Scottsdale, AZ 85260

10 CASH FLOW UNIVERSITY, INC.
11 15021 N. 74th Street, Ste. 100
Scottsdale, AZ 85260

12 SECURA FUND ARIZONA, L.L.C.
13 15021 N. 74th Street, Ste. 100
Scottsdale, AZ 85260

14 LARRY WILLIAM DUNNING and
15 SHEILA DUNNING, husband and
wife
16 5635 East Lincoln Drive, #23
Paradise Valley, AZ 85253-4121

17 PHIL VIGARINO and JANE DOE
18 VIGARINO,
husband and wife
19 15021 N. 74th Street, Ste. 100
Scottsdale, AZ 85260

20 ROBERT K. REHM
21 15021 N. 74th Street, Ste. 100
Scottsdale, AZ 85260

22 MARK KESLER and JANE DOE
23 KESLER, husband and wife
10783 W. Encanto Blvd.
24 Avondale, AZ 85323

25 FRANK CASPARE and GAIL
26 CASPARE, husband and wife
27 27 Taconic
Millwood, NY 10546-1125

DOCKET NO. S-03491A-02-0000

MOTION TO WITHDRAW;
MOTION TO EXPEDITE;
RESPONSE TO MOTION TO
CONTINUE

(Hon. Philip J. Dion III)

1
2 David B. Stocker hereby moves to withdraw as counsel for Secura
3 Mortgage Management, L.L.C., Secura Innovative Investment, Inc., Secura
4 Fund Arizona, L.L.C. (the "Secura Entities"), and Robert K. Rehm.

5 This motion is filed pursuant to Rule 5.1(a)(2)(c) of the *Arizona Rules*
6 *of Civil Procedure*. Rule 5.1(a)(2)(c) governs the withdrawal of counsel
7 where the trial date has been set. Rule 5.1(a)(2)(c) permits an attorney to
8 withdraw, in pertinent part, if the court is satisfied with good cause shown
9 that the attorney should be permitted to withdraw.

10 Good cause exists to permit undersigned counsel's withdrawal.
11 Attached hereto as Exhibit A is an e-mail copy of a letter from the court-
12 appointed receiver for the Secura Entities that terminates undersigned
13 counsel's representation in the ACC action referenced above.

14 With respect to Mr. Rehm, undersigned counsel has an irreconcilable
15 conflict that will not allow counsel to continue the representation of Mr.
16 Rehm. Undersigned counsel cannot disclose the basis of the conflict
17 because to do so would result in a breach of the attorney-client privilege.

18 Undersigned counsel avows that a conflict exists that renders his
19 continued involvement in this matter untenable, and that good cause exists
20 to grant the Motion to Withdraw. Undersigned counsel has advised his
21 clients of the hearing date.

22 Undersigned counsel is in agreement with Mr. Salcido's Motion to
23 Continue for the reasons that he stated, and for the reason that Mr. Rehm

24
25 ///

26 ///

1 and the receiver need adequate time to retain new counsel.

2 DATED this 10th day of March, 2003.

3
4 By:

David B. Stocker

5
6
7 Original and ten copies of the
hand-delivered this 10th day of
March, 2003, to:

8 Arizona Corporation Commission
9 Docket Control Center
1200 West Washington Street
10 Phoenix, Arizona 85007

11 Copies of the foregoing mailed
this 10th day of March, 2003, to:

12 Wendy Coy
13 Securities Division
ARIZONA CORPORATION COMMISSION
14 1300 West Washington, 3rd Floor
Phoenix, Arizona 85007

15 Michael Salcido, Esq.
16 RENAUD, COOK & DRURY
40 North Central, Suite 1600
17 Phoenix, Arizona 85004

18 Mark D. Chester
CHESTER & SHEIN, P.C.
19 8777 North Gainey Center Drive, Ste. 191
Scottsdale, Arizona 85258

20 Larry Dunning
21 5635 East Lincoln Drive, #23
Paradise Valley, Arizona 85253

22 Robert K. Rehm
23 6870 East Horned Owl Trail
Scottsdale, Arizona 85262

24
25 By:

March 7, 2003

Mr. Dustin T. Dudley
4745 N. 7th Street
Suite 234
Phoenix, Arizona 85014

Re: David Stocker/Secura action

Dear Mr. Dudley:

It is my understanding that you have been retained to represent Mr. David Stocker. Further it is my understanding that Mr. Stocker had been retained to represent Secura Mortgage Fund Arizona, L.L.C., an Arizona limited liability company, Secura Mortgage Investment, Inc., an Arizona Corporation and Secura Mortgage Management, L.L.C., an Arizona limited liability company in an action involving The State of Arizona Corporation Commission.

Acting in my capacity as receiver for the aforementioned entities and by the authority vested in me within Case Number CV 2002-024002, this letter shall serve as formal notification of the termination of Mr. Stocker's representation of those entities in the action undertaken by The Arizona Corporation Commission, Securities Division.

This termination is not meant to relieve you of any other obligations or liabilities that may exist regarding this or any of the other entities subject to the aforementioned order.

Sincerely,

Michael J. Crook
Receiver Case Number CV 2002-024002

cc: Wendy Coy
Julie Coleman
Michael Carmel
Scott Ashton-Blair
David Stocker
Dale Schian
Richard Gramlich
Anthony DePrima

David B. Stocker

From: "Mike" <mcrook@nobeus.com>
To: <dustindudley@cox.net>; <david.stocker@azbar.org>; <ashtonblair@hotmail.com>;
<R.Gramlich@cplaw.com>; <Michael@mcarmellaw.com>; <dschian@swazlaw.com>;
<juc@ccsd.cc.state.az.us>
Sent: Friday, March 07, 2003 5:22 PM
Attach: 230 Receivership Stocker termination.doc
Subject: RE: Stocker representation termination Re ANMP/State of Arizona Corporation Commission

-----Original Message-----

From: Mike [mailto:mcrook@nobeus.com]
Sent: Friday, March 07, 2003 3:46 PM
To: 'dustindudley@cox.net'; 'david.stocker@azbar.org';
'ashtonblair@hotmail.com'; 'R.Gramlich@cplawfirm.com';
'Michael@mcarmellaw.com'; 'dschian@swazlaw.com'; 'juc@ccsd.cc.state.az.us'
Subject: Stocker representation termination Re ANMP/State of Arizona Corporation Commission

Mr. Stocker has contacted me to point out that the letter previously written was in err. The letter was written on the basis of a conversation that occurred in the courtroom yesterday. In retrospect, I do believe that those contents were in err in that it may be Mr. Stocker that had been retained to represent a Secura entity. This error could not cause damage to any of the parties since any inaccuracy could not create an action by an authoritative party. [Mike Crook] I have re-drafted my letter in an attempt to accurately reflect the position of the receiver.

Should you have any questions, please don't hesitate to contact me.

Michael J. Crook
Receiver

[Mike Crook]

03/07/2003